

Interim Decision #2079.

MATTER OF PAGNERRE

In Visa Petition Proceedings

A-18436068

*Decided by Board March 25, 1971*

Since the stepparent-stepchild relationship created by petitioner's marriage in 1932 to the father of the beneficiary (beneficiary then 8 years of age) did not cease to exist when the marriage creating such relationship was terminated by death of beneficiary's father in 1954 but there was a continuing relationship thereafter between petitioner and beneficiary, petitioner is regarded as the stepmother of beneficiary for immigration purpose and her petition to accord beneficiary preference classification under section 203(a) (1) of the Immigration and Nationality Act, as amended, as a stepdaughter, is approved. [*Matter of Simicevic*, 10 I. & N. Dec. 363, and *Matter of Varela*, Int. Dec. No. 2020, distinguished.]

The visa petition for preference classification under section 203(a) (1) of the Immigration and Nationality Act was approved by the District Director on November 23, 1970. However, he certified the case to this Board because of its possible effect on *Matter of Simicevic*, 10 I. & N. Dec. 363 (BIA, 1963).

The petitioner, a native of Yugoslavia, naturalized citizen of the United States, asserts that the 47-year-old female beneficiary, a native of Algeria, is entitled to first preference classification as her stepdaughter. The record contains the following facts concerning the claimed relationship: The beneficiary's natural mother died in 1931 and her father married the petitioner in Algeria in 1932. At that time the beneficiary, then eight years old, along with the beneficiary's two brothers and one sister, children of her father and natural mother, began to live in the home of their father and newly acquired stepmother, except for time spent away at school some one hundred miles away. This family relationship continued until the death of the beneficiary's father in 1954. Following the father's death, only the younger brother of the beneficiary continued to reside with petitioner, remaining until 1956, when he married. Petitioner came to the United States in 1959 and married her present husband the same year. Peti-